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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

MÖCKEL et al.

Group Art Unit: 1652

Appln. No.: 09/725,178

Examiner: R. HUTSON

Filed: November 29, 2000

Title: NOVEL NUCLEOTIDE SEQUENCES ENCODING THE GPM GENE

03/13/2003 HDAWTE1 00000001 033975 09725178

March 11, 2003

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AMENDMENT AND RESPONSE

Hon. Commissioner of Patents
BOX RCE
Washington, D.C. 20231

RECEIVED
MAR 14 2003
TECH CENTER 1600/2900

Sir:

This is in response to the advisory action dated February 19, 2003 and the official action dated October 22, 2003. In view of the concurrent request for continued examination (and petition for an extension of time), the applicants request entry of (1) their amendment filed January 22, 2003, and (2) the present amendment.

I. AMENDMENT

Prior to further action on the merits, please amend the application as follows.

IN THE CLAIMS

Please amend claims 1, 5 and 7 as follows.

- E1
1. (Three Times Amended) An isolated polynucleotide comprising a polynucleotide sequence selected from the group consisting of:
 - a) a polynucleotide encoding a polypeptide containing an amino acid sequence which is at least 90% identical to the amino acid sequence of SEQ ID NO: 2, the polypeptide having phosphoglycerate mutase activity, and
 - b) a polynucleotide that is complementary to the polynucleotide of a).

MAR 11 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

In re: PATENT APPLICATION of:

Inventor(s): MÖCKEL et al.

Appln. No.: 09 725,178

Series Code ↑ Serial No. ↑

Filed: November 29, 2000

Title: NOVEL NUCLEOTIDE SEQUENCES
ENCODING THE GPM GENE

Group Art Unit 1652

Examiner: R. HUTSON

Atty. Dkt. P 273989

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M#

Client Ref

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EDO NOT USE FOR PROVISIONAL,
DIVISIONAL, CIP OR DESIGN
APPLICATIONS, OR REEXAMINATION OF
PATENTSHon. Commissioner of Patents
Washington, D.C. 20231

Date: March 11, 2003

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

Please continue the examination of this application.

PREREQUISITES

This application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.

An issue fee **has not been** paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).**Prosecution has been closed as defined in Rule 114(b).****Reply to any outstanding action must be enclosed or previously filed.**

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☒ enter ☐ do not enter the Amendment filed January 22, 2003
2. ☒ The enclosed new Amendment
3. ☐ Consider the arguments in the appeal brief filed ___ and reply brief filed
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☐ The enclosed Information Disclosure Statement

<input type="checkbox"/> IDS Letter	<input type="checkbox"/> Cited Appln	<input type="checkbox"/> Foreign Search Report/OA
<input type="checkbox"/> PTO-1449		<input type="checkbox"/> Cited Documents
6. ☐ Please suspend action under Rule 103(c) for a period of ___ months (3 mos. Max) for which charge the required \$130 fee (fee code 098) to our Deposit Account (see below).
7. Petition is hereby made to extend the original due date of January 22, 2003 to cover the date this Request is filed. PLEASE CHARGE the requisite fee to our Deposit Account (see below)

(1 mo)	\$110/\$55	
(2 mos)	\$410/\$205	+ 410
(3 mos)	\$930/\$465	
8. PLEASE CHARGE the Rule 17(e) (RCE) filing fee of ☒ \$750 (lg. ent.) ☐ \$375 (sm. ent.) plus any deficiency and any other fee due now or later to our Deposit Account No. 03-3975 under Order No. 21123 / 273989

C#	M#
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NOTE: Rule 17(e) filing fee **Cannot be deferred!**
NO CLAIMS FEE REQUIRED unless you are adding claims by box 2 Amendment in which case cover this with PAT-120.Pillsbury Winthrop LLP
Intellectual Property GroupP.O. Box 10500
McLean, VA 22102
(703) 905-2000

By Atty: Thomas A. Cawley, Jr., Ph.D.

Reg. No. 40944

Sig:

Fax: (703) 905-2500
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Atty/Sec: TAC/smm

NOTE: File this Request (plus enclosures, if any) in duplicate and with PTO receipt (PAT-103A)